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January 4, 2021

FILED BY ECF

Hon. Denise L. Cote
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Zalmund Zirkind*, S9 19 Cr. 463 (DLC)
Letter Requesting Closing Public Access to the Defendant's Personal Allocution;
Sentencing January 15, 2021, 11:00 a.m.

Dear Judge Cote:

In anticipation of punishment proceedings, the Defendant respectfully seeks to address a privacy issue in his communication to the Court during his sentencing allocution. The Defendant seeks the opportunity to invite Your Honor's consideration, privately, of matters addressing past and present medical treatment, past or present diagnoses, and related privacy protected matters.

As Your Honor considers this application, it may be appropriate to also advise the Court that someone unknown to us both listened to, recorded, and disseminated portions of the Defendant's Rule 11 proceedings, and particularly the Defendant's factual description of his guilt, to others in his Hassidic Orthodox Jewish community. To do so again with regard to the Defendant's privacy protected statements to Your Honor at sentencing would be harmful to both the Defendant and his family.

In support, we respectfully invite the Court to consider that our request does not include the remaining larger portions of the sentencing, but only as circumscribed here. We believe that the private presentation of this limited segment of the punishment proceedings is consistent with the predicate intentions of the E-Government Act of 2002, Section 21.3 and 21.4 of the S.D.N.Y. Electronic Case Filing Rules, the privacy intentions of the Presentence Investigation Report, as well as the Southern District ECF Privacy Policy ("Privacy Policy"). We have addressed the matter with the government who advises they take no position on the request to seal the Courtroom or audio portion of only this isolated part of the sentencing proceedings.

Respectfully submitted,

s/Neil M. Schuster

Neil M. Schuster

NMS:asnd